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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,607	09/10/2001	Robert Sesek	10012562-1	8270

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HEWLETT-PACKARD COMPANY
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EXAMINER	
HARLE, JENNIFER I	
ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant N .

09/954,607

Applicant(s)

SESEK ET AL.

Examiner

Jennifer I. Harle

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mw

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claims 1-26 are pending. Claims 1-26 are rejected.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 9-14, 17-24, 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims a “positioning service” or a “position locator”, however, these terms are not defined in the specification nor are they terms of art. It can be as simple as a database zip code to GPS or cellular systems. Thus, the examiner is interpreting a positioning service/ position locator service as a service that provides for reception of information regarding a point or area occupied by a physical object.

Claim Rejections - 35 USC § 102

Claims 1-3 and 9-11 rejected under 35 U.S.C. 102(a) as being anticipated by Kelly Barron, Logistics in Brown (1997 driver strike helped refocus and revitalize United parcel Service), Forbes, January 10, 2000, pg. 78. The following additional references are utilized to show the inherent features of the claims: Home Page of UPS, <http://web.archive.org/web/20000304084927/http://www.ups.com/>, archived March 4, 2000, printed January 12, 2004, pg. 1 (Home Page); Delivery Confirmation/Proof of Delivery (P.O.D.) Page of UPS, <http://web.archive.org/web/20000229123602/http://www.ups.com/using/services/accs/delconf-guide.html>, archived February 29, 2000, printed January 12, 2004, pp. 1-2 (Delivery

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Confirmation); Globetrotter, Electronics Times, July 27, 1998, pg. III (Electronic Times); Al Ditter, UPS, Truly a Business of Sorts; an Accurate and Speedy Sorting and Delivery System is Vital for Survival in the Next-Day Express Business (United parcel Service), Air Cargo World, vol. 83, no.2, February 1993, pg. 38 (Ditter); ROK's Yonap: Samsung Electro-Mech., UPS Agree to Integrate Service System, World News Connection, November, 16, 2000 (World News); Barta, et al. (6,634,551 B2); UPS MaxiTrac Manual, Chapters, 2-6, 8-9, May 1994 (MaxiTrac); About UPS, <http://www.ups.com/content/us/en/about/histor/1999.html>, printed January 12, 2004, pp. 1-2; The Evolution of the UPS Delivery Information Acquisition Device (DIAD), http://www.pressroom.ups.com/mediakits/popups/factsheet/0,1889,843,00.html?ct=fact_sheets&at=..., printed January 12, 2004, 00. 1-2.

1. A method for delivering goods comprising:	Barron – Since UPS began shuttling parcels from Seattle department stores with a Model T Ford and a few motor cycles in the early 1900's ...shipping needs of a nation flowering with eat-and-sleep entrepreneurs.
Transporting the goods to a specified location;	Barron – Since UPS began shuttling parcels from Seattle department stores with a Model T Ford and a few motor cycles in the early 1900's ...shipping needs of a nation flowering with eat-and-sleep entrepreneurs. Barta, et al. (Fig. 1 ; col. 1, lines 19-20, col. 2, lines 12-17).
Upon deliver, acquiring, from a positioning service, a physical location of the goods; and	Barron – UPS used to be a trucking company with technology. Now it's a technology company with trucks. Electronic Times – UPS vehicles all have GPS communications and handheld electronic signature pads to verify deliveries. Customers

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	<p>are now able to track down their deliveries in realtime over the Internet.</p> <p>Ditter – UPS uses its wholly-owned II-morrow position indicator system to keep track of the packages in its system.</p> <p>World News – Under the agreement, ...via UPS's latest information and communication including its satellites and global positioning systems.</p>
Recording the physical location to verify that the goods have in fact been delivered to the specified location.	<p>Barron – Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network.</p> <p>Home Page – Track</p> <p>Delivery Confirmation</p> <p>MaxiTrac – Chapter 3 -Package Tracking and Chapter 6 – Delivery Confirmation.</p>
2. The method of claim 1, wherein the act of recording comprises posting the physical location to a tracking service.	<p>Barron – A big part ... UPS can electronically track ... do for the shipper? ... Through a UPS arrangement with 3Com Directs him to the nearest drop off. ... Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network.</p> <p>Home Page – Track</p> <p>Electronic Times – UPS vehicles all have GPS communications and handheld electronic signature pads to verify deliveries. Customers are now able to track down their deliveries in realtime over the Internet.</p> <p>Ditter – UPS uses its wholly-owned II-morrow position indicator system to keep track of the packages in its system.</p> <p>World News – Under the agreement, ...via UPS's latest information and communication including its satellites and global positioning systems.</p>

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	Barta, et al. – Figs. 3A, 4-6
3. The method of claim 1, further comprising:	
Generating a ticket containing information relating to the goods;	<p>Barron – Customers are catching on. The majority now use UPS software or the net to print shipping labels.</p> <p>Home Page – Ship and Supplies</p> <p>Barta, et al. – Fig. 2; col. 5, lines 25-37, col. 6, lines 1-45.</p> <p>Maxitrac – Chapter 2 - Process Packages</p>
Upon delivery reading the ticket; and	<p>Barron – Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network.</p> <p>Barta, et al. – Figs. 2, 4-6; col. 5, lines 25-37, col. 6, lines 1-45.</p>
Associating the recorded physical location of the goods with the ticket's information.	<p>Barron – Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network. ... Customers are catching on. The majority now use UPS software or the net to print shipping labels. ... The company receives ...organize worldwide warehousing</p> <p>Delivery Confirmation</p> <p>Electronic Times – UPS vehicles all have GPS communications and handheld electronic signature pads to verify deliveries. Customers are now able to track down their deliveries in realtime over the Internet.</p> <p>World News – Under the agreement, ...via UPS's latest information and communication including its satellites and global positioning systems.</p> <p>Barta, et al. – Figs. 2, 4-6; col. 5, lines 25-37, col. 6, lines 1-45.</p>

	MaxiTrac - entire document.
9. A computer program product for verifying the proper delivery of goods to a specified location, the product comprising a computer useable medium having machine readable instructions thereon for:	Computer product Claim 9 is rejected for the same reasons as claim 1. All of the operations occur via a computerized system and hence would be a computer program product having machine readable instructions.
Reading a ticket associated with the goods, the ticket having information representing delivery data for the goods;	
Acquiring from a positioning service a physical location of the goods; and	
Recording the physical location to verify the goods have in fact been delivered to the specified location.	
10. The product of claim 9, wherein the instructions for recording include instructions for posting the physical location to a tracking service.	Product claim 10 is rejected for the same reasons set forth in claim 2.
11. The product of claim 9, wherein the instructions for recording comprising instructions for associating the recorded physical location with the delivery data.	Product claim 9 is rejected for the same reasons as set forth in claim 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 102(a) reference set forth above as applied to claim 1 and 9 above.

The 102(a) references teach as set forth above. Barron further discloses that UPS came to a realization after the strike that marvelous as they were in delivering 13 million packages every business day, were not enough to compete in an industry that was transitioning into a global, knowledge-based logistics business and that they had to make a huge technology commitment. Barron teaches that DIAD can receive messages. Globetrotter teaches that global supply partnerships extend beyond the mere supply of the product and delivery is critical to continued customer and manufacturer confidence. Ditter teaches that time and accuracy are the most critical factors in the air express business, i.e. vital for survival. However, none of the references specifically teach comparing the recorded physical location with the specified location and issuing an alert indicating discrepancies. It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the positioning service's physical location and compared it with the location being scanned by the DIAD to check for and alert the delivery person about potential discrepancies for the explicit reasons set forth above.

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Claims 4-5, 7-8, and 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 102(a) references as applied to claims 1-3 above, and further in view of Desai, et al. (5,319,374) and Murphy (5,917,434).

The 102(a) references teach as set forth below in the table, the bolded text is not taught.

<p>4. The method of claim 1, further comprising upon delivery, identifying and recording a universal time to provide a delivery time reference having worldwide significance.</p>	<p>As previously noted, UPS utilizes GPS in their package tracking and delivery system. However, none of the 102(a) references teach upon deliver, identify and recording a universal time. Murphy teaches utilization of GPS for delivery of goods at a certain cite and utilization of GPS time signals to precisely compute elapsed time (Abstract; Fig. 7). Murphy further teaches that a GPS/taximeter system are well suited to having a communications link for integration into a tracking station (col. 9, lines 44-52) and that GPS time signals provide incontrovertable accurate signals for computing time (col. 10, lines 27-30). Desai, et al. discloses that GPS is part of a satellite-based navigation system developed by the U.S. Dept. of Defense, theoretically as many as eight GPS satellites will be visible at one time from most points on the Earth's surface, and that each satellite carries a cesium or rubidium atomic clock to provide timing information signals transmitted by the satellites, i.e. set to Universal Time (col. 13, lines 8-29). Desai, et al. further discloses that when a lock is made upon the satellites by a GPS System utilizing timing it receives the Universal Time and converts it to real local time (cols. 9-10). Desai, et al. additionally discloses that by utilizing the satellite time for the timing system, you receive a more accurate time, within a range as low as 2-7 milliseconds. However, Desai, et al. does teach that satellite time will be unavailable when GPS is unavailable (Abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to</p>
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	have identified and recorded a universal time to provide a delivery time reference (i.e. local real time), in association with the delivery, in the UPS system for the explicit reasons set forth above.
5. The method of claim 1, further comprising:	
Generating a ticket containing information relating to the goods;	<p>Barron – Customers are catching on. The majority now use UPS software or the net to print shipping labels.</p> <p>Home Page – Ship and Supplies</p> <p>Barta, et al. – Fig. 2; col. 5, lines 25-37, col. 6, lines 1-45.</p> <p>Maxitrac – Chapter 2 - Process Packages</p>
Upon delivery reading the ticket; and	<p>Barron – Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network.</p> <p>Barta, et al. – Figs. 2, 4-6; col. 5, lines 25-37, col. 6, lines 1-45.</p>
Associating the recorded universal time with the ticket's information.	<p>Barron – Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network. ... - time is also recorded and sent.</p> <p>Electronic Times – UPS vehicles all have GPS communications and handheld electronic signature pads to verify deliveries. Customers are now able to track down their deliveries in realtime over the Internet.</p> <p>World News – Under the agreement, ...via UPS's latest information and communication including its satellites and global positioning systems.</p> <p>Barta, et al. – Figs. 2, 4-6; col. 5, lines 25-37, col. 6, lines 1-45.</p> <p>MaxiTrac - entire document.</p>

However, none of the references explicitly teach utilizing universal time when associating the recorded universal time with the ticket's information. Murphy teaches utilization of GPS for delivery of goods at a certain cite and utilization of GPS time signals to precisely compute elapsed time (Abstract; Fig. 7). Murphy further teaches that a GPS/taximeter system are well suited to having a communications link for integration into a tracking station (col. 9, lines 44-52) and that GPS time signals provide incontrovertable accurate signals for computing time (col. 10, lines 27-30). Desai, et al. discloses that GPS is part of a satellite-based navigation system developed by the U.S. Dept. of Defense, theoretically as many as eight GPS satellites will be visible at one time from most points on the Earth's surface, and that each satellite carries a cesium or rubidium atomic clock to provide timing information signals transmitted by the satellites, i.e. set to Universal Time (col. 13, lines 8-29). Desai, et al. further discloses that when a lock is made upon the satellites by a GPS System utilizing timing it receives the Universal Time and converts it to real local time (cols. 9-10). Desai, et al. additionally discloses that by utilizing the satellite time for the timing system, you receive a more accurate time, within a range as low as 2-7 milliseconds. However, Desai, et al. does teach that satellite time will be unavailable when GPS is unavailable (Abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have associated the recorded universal time with the ticket information, (i.e. local real time), in association with the delivery, in the UPS system for the explicit reasons set forth above and because the ticket information is part of the tracking system and is what provides the delivery information.

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7. A method for delivering goods comprising:	Barron – Since UPS began shuttling parcels from Seattle department stores with a Model T Ford and a few motor cycles in the early 1900's ...shipping needs of a nation flowering with eat-and-sleep entrepreneurs.
Transporting the goods to a specified location;	Barron – Since UPS began shuttling parcels from Seattle department stores with a Model T Ford and a few motor cycles in the early 1900's ...shipping needs of a nation flowering with eat-and-sleep entrepreneurs. Barta, et al. (Fig. 1 ; col. 1, lines 19-20, col. 2, lines 12-17).
Upon delivery, identifying a universal time; and	Barron – Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network. ... - time is also recorded and sent. Electronic Times – UPS vehicles all have GPS communications and handheld electronic signature pads to verify deliveries. Customers are now able to track down their deliveries in realtime over the Internet. World News – Under the agreement, ...via UPS's latest information and communication including its satellites and global positioning systems. Barta, et al. – Figs. 2, 4-6; col. 5, lines 25-37, col. 6, lines 1-45. MaxiTrac - entire document. However, none of the references explicitly teach identifying universal time when utilizing time with a delivery. See rejections of claims 4 and 5.
Recording the universal time to provide a delivery time reference having worldwide significance.	Barron – Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network. ... - time is also recorded and sent.

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significance.	<p>Electronic Times – UPS vehicles all have GPS communications and handheld electronic signature pads to verify deliveries. Customers are now able to track down their deliveries in realtime over the Internet.</p> <p>World News – Under the agreement, ...via UPS's latest information and communication including its satellites and global positioning systems.</p> <p>Barta, et al. – Figs. 2, 4-6; col. 5, lines 25-37, col. 6, lines 1-45.</p> <p>MaxiTrac - entire document.</p> <p>However, none of the references explicitly teach recording the universal time to provide a delivery time reference. See rejections of claims 4 and 5.</p>
8. The method of claim 7, further comprising:	
Generating a ticket containing information relating to the goods;	<p>Barron – Customers are catching on. The majority now use UPS software or the net to print shipping labels.</p> <p>Home Page – Ship and Supplies</p> <p>Barta, et al. – Fig. 2; col. 5, lines 25-37, col. 6, lines 1-45.</p> <p>Maxitrac – Chapter 2 - Process Packages</p>
Upon delivery, reading the ticket; and	<p>Barron – Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network.</p> <p>Barta, et al. – Figs. 2, 4-6; col. 5, lines 25-37, col. 6, lines 1-45.</p>
Associating the recorded universal time with the ticket's information.	<p>Barron – Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network. ... - time is also recorded and sent.</p>

	<p>Electronic Times – UPS vehicles all have GPS communications and handheld electronic signature pads to verify deliveries. Customers are now able to track down their deliveries in realtime over the Internet.</p> <p>World News – Under the agreement, ...via UPS's latest information and communication including its satellites and global positioning systems.</p> <p>Barta, et al. – Figs. 2, 4-6; col. 5, lines 25-37, col. 6, lines 1-45.</p> <p>MaxiTrac - entire document.</p> <p>However, none of the references explicitly teach utilizing universal time when associating the recorded universal time with the ticket's information. See rejections of claims 4 and 5.</p>
13. The product of claim 12, comprising further instructions for identifying a universal time after the ticket is read and recording the universal time .	Product claim 13 is rejected for the same reasons as claim 4.
14. The product of claim 13, wherein the instructions for recording the universal time comprise further instructions for associating the recorded universal time with the delivery data.	Product claim 14 is rejected for the same reasons as claim 5.
15. A computer program product for verifying the proper delivery of goods, the product	Computer product Claim 15 is rejected for the same reasons as claim 8. All of the operations occur via a computerized system and hence would be a computer program product having

comprising a computer useable medium having machine readable instructions thereon for:	machine readable instructions.
Reading a ticket associated with the goods, the ticket having information representing delivery data for the goods;	
Identifying a universal time; and	
Recording the universal time to provide a delivery time reference having worldwide significance.	
16. The product of claim 15, wherein the instructions for recording the universal time comprising instruction for associating the recorded universal time with the delivery data.	Product claim 16 is rejected for the same reasons as claim 8.
17. A system for verifying delivery of goods to a specified address comprising:	<p>Barron – Since UPS began shuttling parcels from Seattle department stores with a Model T Ford and a few motor cycles in the early 1900's ...shipping needs of a nation flowering with eat-and-sleep entrepreneurs. ... UPS used to be a trucking company with technology. Now it's a technology company with trucks. ... Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network.</p> <p>Home Page – Track</p> <p>Delivery Confirmation</p> <p>MaxiTrac – Chapter 3 -Package Tracking and</p>

	Chapter 6 – Delivery Confirmation.
A ticket delivered with the goods, the ticket containing information relating to the goods;	<p>Barron – Customers are catching on. The majority now use UPS software or the net to print shipping labels We want to increase our global footprint across the entire supply chain ... gives ups plenty of incentive.</p> <p>Home Page – Ship and Supplies</p> <p>Barta, et al. – Fig. 2; col. 5, lines 25-37, col. 6, lines 1-45.</p> <p>Maxitrac – Chapter 2 - Process Packages</p>
A reader operable to read the ticket upon delivery of the goods; and	<p>Barron – Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network.</p> <p>Barta, et al. – Figs. 2 and 4-6; col. 5, lines 25-37, col. 6, lines 1-45.</p>
A locator in communication with the reader, the locator operable to acquire from a positioning service a physical location of the goods as the reader reads the ticket.	<p>Barron – UPS used to be a trucking company with technology. Now it's a technology company with trucks.</p> <p>Electronic Times – UPS vehicles all have GPS communications and handheld electronic signature pads to verify deliveries. Customers are now able to track down their deliveries in realtime over the Internet.</p> <p>Ditter – UPS uses its wholly-owned II-morrow position indicator system to keep track of the packages in its system.</p> <p>World News – Under the agreement, ...via UPS's latest information and communication including its satellites and global positioning systems.</p> <p>Home Page – Track</p> <p>Delivery Confirmation</p> <p>MaxiTrac – Chapter 3 -Package Tracking and</p>

	<p>Chapter 6 – Delivery Confirmation.</p> <p>However, none of the references explicitly teach that the locator is in communication with the reader and acquires from the positioning service a physical location of the goods as the reader reads the ticket. Barron further discloses that UPS came to a realization after the strike that marvelous as they were in delivering 13 million packages every business day, were not enough to compete in an industry that was transitioning into a global, knowledge-based logistics business and that they had to make a huge technology commitment. Barron teaches that DIAD can receive messages. Globetrotter teaches that global supply partnerships extend beyond the mere supply of the product and delivery is critical to continued customer and manufacturer confidence. Ditter teaches that time and accuracy are the most critical factors in the air express business, i.e. vital for survival. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the locator, GPS System utilized for tracking and delivery confirmation by UPS, in communication with the DIAD for the explicit reasons set forth above.</p>
<p>18. The system of claim 17, further comprising a recorder in electronic communication with the reader and the position locator, the recorder operable to generate a delivery record associating data representing the physical location of the goods with information read from the ticket.</p>	<p>Claims 18 and 19 are directed to the DIAD and its interaction with a locator system.</p> <p>Barron – A big part ... UPS can electronically track ... do for the shipper? ... Through a UPS arrangement with 3Com Directs him to the nearest drop off. ... Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network.</p> <p>Home Page – Track</p> <p>Electronic Times – UPS vehicles all have GPS communications and handheld electronic signature pads to verify deliveries. Customers are now able to track down their deliveries in</p>

	<p>realtime over the Internet.</p> <p>Ditter – UPS uses its wholly-owned II-morrow position indicator system to keep track of the packages in its system.</p> <p>World News – Under the agreement, ...via UPS's latest information and communication including its satellites and global positioning systems.</p> <p>Barta, et al. – Figs. 3A, 4-6; col. 5, lines 25-37, col. 6, lines 1-45.</p> <p>About UPS – The handheld Delivery ... (DIAD) ...shipments. Thus it is operable to generate a delivery record.</p> <p>The Evolution of the UPS Delivery Information Acquisition Device – See DIAD I-III with increasing memory and delivery information electronically captured.</p> <p>However, none of the references explicitly teach that the recorder is in electronic communication with the locator. Barron further discloses that UPS came to a realization after the strike that marvelous as they were in delivering 13 million packages every business day, were not enough to compete in an industry that was transitioning into a global, knowledge-based logistics business and that they had to make a huge technology commitment. Barron teaches that DIAD can receive messages. Globetrotter teaches that global supply partnerships extend beyond the mere supply of the product and delivery is critical to continued customer and manufacturer confidence. Ditter teaches that time and accuracy are the most critical factors in the air express business, i.e. vital for survival. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the locator, GPS System</p>
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	utilized for tracking and delivery confirmation by UPS, in communication with the DIAD for the explicit reasons set forth above.
19. The system of claim 18, further comprising a log, the recorder being further operable to store one or more delivery records in the log.	<p>Barron – A big part ... UPS can electronically track ... do for the shipper? ... Through a UPS arrangement with 3Com Directs him to the nearest drop off. ... Those seemingly untechnical UPS drivers ... DIAD ...the in information is relayed through the network.</p> <p>Home Page – Track</p> <p>Electronic Times – UPS vehicles all have GPS communications and handheld electronic signature pads to verify deliveries. Customers are now able to track down their deliveries in realtime over the Internet.</p> <p>Ditter – UPS uses its wholly-owned II-morrow position indicator system to keep track of the packages in its system.</p> <p>World News – Under the agreement, ...via UPS's latest information and communication including its satellites and global positioning systems.</p> <p>Barta, et al. – Figs. 3A, 4-6; col. 5, lines 25-37, col. 6, lines 1-45.</p> <p>About UPS – The handheld Delivery ... (DIAD) ...shipments. Thus it is operable to generate a delivery record.</p> <p>The Evolution of the UPS Delivery Information Acquisition Device – See DIAD I-III with increasing memory and delivery information electronically captured.</p> <p>Thus, a log would be generated.</p>
20. The system of claim 17, wherein at least some of the information contained in the ticket	Claim 20 is rejected for the same reasons as claim 6.

represents the specified location, the system further comprising a comparator in communication with the reader and the position locator, the comparator operable to compare the physical location with the specified location and to issue an alert indicating discrepancies.	
21. The system of claim 17, comprising a time service in communication with the reader, the time service operable to identify a universal time as the reader reads the ticket.	Claim 21 is rejected for the same reasons as claim 4. The time service is the clock in the GPS Satellite system.
22. The system of claim 21, further comprising a recorder in electronic communication with the reader and the time service, the recorder operable to generate a delivery record associating data representing the universal time with the information read from the ticket.	Claim 22 is rejected for the same reasons as claim 5 and 19.
23. The system of claim 22, further comprising a log , the recorder being further operable to store one or more delivery records in the log.	Claim 23 is rejected for the same reasons as claim 19.

24. The system of claim 22, further comprising a tracking service, the recorder being further operable to post one or more delivery records to the tracking service.	Claim 24 is rejected for the same reasons as claim 2.
25. A system for verifying delivery of goods to a specified address comprising:	Claim 25 is rejected for the same reasons as claims 18 and 22.
A ticket delivered with the good, the ticket containing information goods data; and	
A reader operable to read the ticket upon delivery of the goods;	
A position locator in communication with the reader operable to acquire from a positioning service a physical location of the goods as the reader reads the ticket;	
A time service in communication with the reader, the time service operable to identify a universal time as the reader reads the ticket; and	
A recorder in communication with the reader, position locator and time service, the recorder operable to generate a delivery record associating data representing the physical	

location of the goods and the universal time with information read from the ticket.	
26. The system of claim 25, wherein at least some of the information contained in the ticket represents the specified location, the system further comprising a comparator in communication with the reader and the position locator, the comparator operable to compare the physical location with the specified location and to issue an alert indicating discrepancies.	Claim 25 is rejected for the same reasons as claim 20.

Conclusion

In accordance with the USPTO's goals of customer service, compact prosecution, and reduction of cycle time, and because "the continual, chief complaint of inventors and their lawyers: that patent examiners are abysmal communicators, both orally and in writing,"¹ the Examiner has made every effort to clarify his position regarding claim interpretation and any rejections or objections in this application. Furthermore, the Examiner has provided Applicant(s) with notice—for due process purposes—of his position regarding his factual determinations and legal conclusions. If Applicant(s) disagree with *any* factual determination or

¹ Sabra Chartrand, *A Bid to Overcome Patent Backlogs*, 152 N.Y. Times C2 (Sept. 23, 2002).

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legal conclusion made by the Examiner in this Office Action whether expressly stated or implied,² the Examiner respectfully requests Applicant(s) *in their next response* to expressly traverse the Examiner's position and provide appropriate arguments in support thereof. Failure by Applicant(s) *in their next response* to traverse the Examiner's positions and provide appropriate arguments in support thereof will be considered an admission by Applicant(s) of the factual determinations and legal conclusion not expressly traversed.³ By addressing these issues now, matters where the Examiner and Applicant(s) agree can be eliminated allowing the Examiner and Applicant(s) to focus on areas of disagreement (if any) with the goal towards allowance in the shortest possible time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I. Harle whose telephone number is 703.306.2906. The examiner can normally be reached on Monday through Thursday, 6:30 am to 5:00 pm,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703.308.5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

² E.g., if the Examiner rejected a claim under §103 with two references, although not directly stated, it is the Examiner's implied position that the references are analogous art.

³ See also MPEP §714.02, 37 CFR §1.111(b), and 37 CFR §1.104(c)(3).

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Ione Harle
February 23, 2004